

1 JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney

2 BRIAN J. STRETCH (CSBN 163973)
Chief, Criminal Division

3 PATRICIA J. KENNEY (CSBN 130238)
Assistant United States Attorney

4 5 6 7
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: 415.436.6857
Facsimile: 415.436.6748

8 Attorneys for the United States of America

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,) No. C 08-1815 SC
13 Plaintiff,)
14 v.)
15 (1) \$160,450 IN U.S. CURRENCY;) UNITED STATES'S REQUEST TO THE
16 (2) \$5,480 IN U.S. CURRENCY;) CLERK TO ENTER A DEFAULT
17 (3) \$3,042 IN U.S. CURRENCY.)
18 (4) \$31,000 IN U.S. CURRENCY; AND)
19 (5) \$3,000 IN U.S. CURRENCY;)
Defendants.)

20 The United States of America, through its undersigned counsel, respectfully requests the
21 Clerk to enter a default in this case pursuant to Rule 55(a), Federal Rules of Civil Procedure, and
22 Rules 6-1 and 6-2, Admiralty Local Rules, on the basis that proper notice has been given, and
23 that no claim has been filed by any party claiming any right, title or interest in the above
24 captioned defendants. Further, because no one has appeared to defend, a case management
25 conference would not assist the Court at this juncture in moving the case forward. Once the
Clerk enters a default, the United States plans to move for a default judgment.

26 I. Background

27 On April 4, 2008, the United States filed this action to obtain the forfeiture of the above
28 captioned defendants pursuant to 21 U.S.C. § 881(a)(6). See Complaint for Forfeiture, filed

1 April 4, 2008. On April 9, 2008, the United States gave notice to parties who might have an
2 interest by serving William G. Panzer, Esq., the attorney for Joao Silverstein and Eliet Abreu,
3 and by serving Zenia K. Gilg, Esq., attorney for Mark Correa and Issabelle Choiniere, at their last
4 known addresses. *See* Certificate of Service, filed April 9, 2008. The United States also
5 published notice of this action in The Inter-City Express, a newspaper of general circulation, on
6 April 30, 2008. *See* Proof of Publication of Notice of Forfeiture Action, filed on June 25, 2008.
7 In addition, notice of this civil forfeiture action was posted on an official government internet site
8 for at least 30 consecutive days, beginning on April 22, 2008. *See* Declaration of Publication,
9 filed herewith as Exhibit A. To date, no one has filed a claim to the above captioned defendants
10 or an answer to the Complaint for Forfeiture. *See* docket sheet.

11 **II. Request for Entry of A Default**

12 The United States gave direct notice by service of the Complaint for Forfeiture and
13 related documents to persons known to have an interest as required by Rule G(4)(b),
14 Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The United
15 States also provided notice by publication as well as publication through an official government
16 internet site as required by Rule G(4)(a)(iv)(C), Supplemental Rules for Admiralty or Maritime
17 Claims and Asset Forfeiture Actions.

18 In order to appear and defend property named as defendant in a civil forfeiture action, an
19 individual receiving direct notice must file a claim within 35 days after receiving that notice
20 unless the Court extends time. Rule G(5)(a)(i) and G(5)(a)(ii)(A), Supplemental Rules of Certain
21 Admiralty or Maritime Claims and Asset Forfeiture Actions. Otherwise, an individual asserting
22 an interest in defendant property who did not receive direct notice must file a claim not later
23 than 30 days after final publication in a newspaper or not later than 60 days after the first
24 date of publication on an official internet government forfeiture site. Rule G(5)(a)(ii)(B). After
25 filing a timely claim, an individual seeking to defend the property in a forfeiture action has an
26 additional 20 days to file an answer. Rule G(5)(b).

27 In this case, no person has filed a claim or answer within the time limits. Therefore, no
28 one has asserted the right to defend the above captioned defendants. Accordingly, the United

1 States requests the Clerk to enter a default. Upon entry of a default, the United States will move
2 for a default judgment.

3 Respectfully submitted,

4 JOSEPH P. RUSSONIELLO
5 United States Attorney

6 Dated: June 26, 2008
7 
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PATRICIA J. KENNEY
Assistant United States Attorney

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$160,450 in United States Currency, et al.

Defendant.

}

CV 08-1815 SC

DECLARATION OF PUBLICATION

Notice of Civil Forfeiture was posted on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on April 22, 2008, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, as evidenced by Attachment 1.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 12, 2008 at San Francisco, CA.



Alicia Chin

Paralegal/ AFU

Attachment 1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
COURT CASE NUMBER: CV 08-1815 SC; NOTICE OF FORFEITURE ACTION

Pursuant to 21 USC 881, the United States filed a verified Complaint for Forfeiture against the following property:

\$160,450.00 U.S Currency (08-DEA-492567), which was seized from Joao Daniel Silverstein AKA Scott Daniel Silvers on November 09, 2007 at 4133 Redwood Rd, located in Oakland, CA

\$3,042.00 U.S. Currency (08-DEA-492573), which was seized from Joao Daniel Silverstein AKA Scott Daniel Silvers on November 09, 2007 at 4133 Redwood Rd, located in Oakland, CA

\$5,480.00 U.S. Currency (08-DEA-492579), which was seized from Joao Daniel Silverstein AKA Scott Daniel Silvers on November 09, 2007 at 4133 Redwood Rd, located in Oakland, CA

\$34,000.00 U.S. Currency (08-DEA-492726), which was seized from Isabelle Choiniere AKA Isabelle Choiniere-Correa on November 09, 2007 at 5082 Congress Ave, located in Oakland, CA

Any person claiming a legal interest in the Defendant Property must file a verified Claim with the court within 60 days from the first day of publication (April 22, 2008) of this Notice on this official government internet web site and an Answer within 20 days thereafter. Title 18, United States Code, Section 983(h)(1) permits a court to impose a civil fine on anyone asserting an interest in property which the court determines was frivolous.

The verified Claim and Answer must be filed with the Clerk of the Court, 450 Golden Gate Avenue, 16th Floor, San Francisco, CA 94102, and copies of each served upon Assistant United States Attorney Patricia Kenney, 450 Golden Gate Avenue, 10th Floor, San Francisco, CA 94102, or default and forfeiture will be ordered. See, 18 U.S.C. § 983(a)(4)(A) and Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

Advertisement Certification Report

The Notice of Publication was available on the www.forfeiture.gov web site for at least 18 hours per day between April 22, 2008 and May 21, 2008. Below is a summary report that identifies the uptime for each day within the 30-day period and reports the results of the web monitoring system's daily check that verifies that the advertisement was available each day.

U.S. v. \$160,450 in United States Currency, et al.

Court Case No: CV 08-1815 SC

For Asset ID(s): See Attached Advertisement Copy

Consecutive Calendar Day Count	Date Advertisement Appeared on the Web Site	Total Hours Web Site was Available during Calendar Day	Verification that Advertisement existed on Web Site
1	04/22/2008	22.8	Verified
2	04/23/2008	23.2	Verified
3	04/24/2008	23.1	Verified
4	04/25/2008	23.5	Verified
5	04/26/2008	23.5	Verified
6	04/27/2008	23.6	Verified
7	04/28/2008	23.5	Verified
8	04/29/2008	22.4	Verified
9	04/30/2008	23.4	Verified
10	05/01/2008	23.4	Verified
11	05/02/2008	23.5	Verified
12	05/03/2008	23.5	Verified
13	05/04/2008	23.5	Verified
14	05/05/2008	23.5	Verified
15	05/06/2008	23.3	Verified
16	05/07/2008	23.6	Verified
17	05/08/2008	23.5	Verified
18	05/09/2008	23.5	Verified
19	05/10/2008	23.4	Verified
20	05/11/2008	23.3	Verified
21	05/12/2008	23.3	Verified
22	05/13/2008	23.3	Verified
23	05/14/2008	23.4	Verified
24	05/15/2008	23.4	Verified
25	05/16/2008	22.4	Verified
26	05/17/2008	23.6	Verified
27	05/18/2008	23.6	Verified
28	05/19/2008	23.6	Verified
29	05/20/2008	23.5	Verified
30	05/21/2008	23.6	Verified

Additional log information is available and kept in the archives for 15 years after the asset has been disposed. For more information, please contact Alicia Chin in the Northern District of California at 415 436-6913.